

रजिस्टर्ड नं० पी० ४६१.



राजपत्र, हिमाचल प्रदेश

(असाधारण)

हिमाचल प्रदेश राज्यशासन द्वारा प्रकाशित

शिमला, बृहस्पतिवार, २९ नवम्बर, १९७३/८ अग्रहायण, १८९५

GOVERNMENT OF HIMACHAL PRADESH

PUBLIC WORKS DEPARTMENT

NOTIFICATION

Simla-2, the 5th June, 1973

No. 9-94/70-PWB.—In exercise of the powers conferred by section 5 (2) of the Himachal Pradesh Urban Estates (Development and Regulation) Act, 1969, the Government of Himachal Pradesh is pleased to make the following rules, namely:—

RULES

1. Short title and commencement.—These rules may be called the Himachal Pradesh Urban Estates (Erection of Buildings) Rules, 1973.

(2) They shall come into force at once.

2. **Definitions.**—In these rules unless there is anything repugnant in the subject or context, the following words and expressions shall have the respective meanings hereby assigned to them:—

- (a) "Estate Officer" means a person appointed by the State Government by notification to perform the functions of an Estate Officer;
- (b) "applicant" means every person who gives notice to the Estate Officer of his intention to erect or re-erect building;
- (c) "person" includes anybody of persons corporate or incorporate;
- (d) "footing" means the projection caused at the base of the wall to spread the weight over a large area;
- (e) "plinth" means the portion of the external wall between the level of the street and the level of the floor first above the street, and "Plinth Level" means level of the ground floor of a building above the centre of the adjacent portion of the nearest street;
- (f) "storey" means any horizontal division of a building so constructed as to be capable of use as a living or sleeping apartment, even though such horizontal division does not extend over the whole depth or width of the building;
- (g) "ground floor" means the storey immediately above the level of the adjoining ground on all sides;
- (h) "first floor" means the storey immediately above the ground floor;
- (i) "party wall" means a wall built on land belonging to two adjoining owners, the wall being the joint property of both owners;
- (j) "set back line" means a line parallel with the central line of a road or street, beyond which nothing can be erected or re-erected;
- (k) "chhajja" means continuous sloping/horizontal projection above an opening;
- (l) "balcony" means horizontal projection including a hand rail to serve as a passage or sitting out place;
- (m) "external wall" means an outer wall or vertical enclosure of any building not being a party wall even though adjoining to a wall of another building and it also means a wall abutting on an interior open space of any building. It does not mean an outer verandah wall;
- (n) "habitable room" a room intended for living, eating or sleeping for a person or persons including kitchen but not including store-room, toilet, baths and corridor or passage;
- (o) "water closet" means a water borne laterine solid or liquid filth from which is intended to be discharged by a flush of water and shall include all man-holes, traps, gullies soil pipes, waste pipes, ventilating pipes, anti-cyphenage pipes drains connected with the sewers;
- (p) "erection and re-erection of any building" means and include—
 - (i). any material alternations or enlargement of any building;
 - (ii) the conversion by structural alteration into a space for habitation of any building not originally constructed for human habitation;
 - (iii) the conversion into more than one place for human habitation of a building originally constructed as one such place;

- (iv) the conversion of two or more places of human habitation into a greater number of such places;
- (v) such alteration of a building as effects on alteration of its damage or sanitation arrangements or materially effects its security;
- (vi) the addition of any room buildings, out houses or other structures to any buildings; and
- (vii) the construction in a wall adjoining a street or land not belonging to the owner of the wall, of a door opening or to such street or land;
- (q) "residential building" means a building used or constructed to be used wholly or principally for human habitation only;
- (r) "commercial building" means a building used or constructed to be used wholly or principally for shops, offices etc. other than factories;
- (s) shop-cum-flat building" means a building used for shops at the ground floor and residential accommodation on above floors;
- (t) "external air space" means space open to sky; and
- (u) "site and inseperable part of the site" site shall include not only the land actually covered by the building, but also the land at the front, near and side of such building required by these definitions and standards to be left open and the words "an unseperable part of the site" shall mean that part of the site which is the property of the owner or the lessee of the land on which the building stands.

PART II

1. PROCEDURE FOR SUBMISSION OF BUILDING APPLICATIONS

Any person intending to erect or re-erect any building shall give notice to the Estate Officer of such intention in writing in Form 'A' appended to these Rules, obtainable from the Estate Officer and shall at the same time submit—

- (i) *Site Plan*.—Must be drawn to a scale of not less than 16 feet to an inch.
- (ii) *Plan Elevation and Sections*.—Plan elevation and sections of proposed building to a scale of $\frac{1}{4}$ "-to a foot.
- (iii) details of specification of the work to be executed on the prescribed Form "B" appended to these Rules and any other details demanded by the Estate Officer.
- (iv) The applicant intending to construct as per standard drawings prepared by the Government shall obtain the same on request from the Estate Officer at a cost fixed by the Government.
- (v) Every applicant shall submit two copies of cloth backed drawing to the Estate Officer.

2. BUILDING DRAWINGS

Shall clearly state and submit the following:—

- (i) the nature of the building;
- (ii) Plans of ground and other floor front and side elevation and sections;
- (iii) calculation of covered area of each floor;
- (iv) means of access to the building;
- (v) open spaces and yards inside or surrounding the building;
- (vi) method of ventilation to all rooms;

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- (v) open spaces and yards inside or surrounding the building;
- (vi) method of ventilation to all rooms;

(vii) the method of disposal of sewerage, sullage and storm water in detail.

3. DRAWING TO BE PREPARED BY THE REGISTERED ARCHITECT

The Estate Officer shall not accept any drawings or plans, section or specification which does not bear the signature of an Architect registered with the Office of the Chief Engineer, H.P.P.W.D., except the drawings prepared by the Government.

4. USE OF BUILDING

No residential building shall be permitted to use of commercial or any other purpose.

PART III

PLANNING AND ARCHITECTURAL REQUIREMENT OF BUILDING

1. COVERAGE OF BUILDING ON SITE

Residential.—Maximum coverage shall not be more than 50% of the plot area.

Commercial.—The coverage shall be 100% of the plot area.

Shop-cum-Flat.—Maximum coverage within the frame work of these rules.

2. RESIDENTIAL

MINIMUM SIZES OF ROOMS OF DWELLING SHALL BE AS FOLLOWS:—

- (i) Habitable Room. Not less than 100 sq. feet.
- (ii) Kitchen. Not less than 60 sq. feet (minimum width 6').
- (iii) Bath room. Not less than 20 sq. feet (Minimum width 3'—6').
- (iv) W.C. Not less than 12 sq. feet (minimum width 3'—0').
- (v) Bath & W.C. Not less than 20 sq. feet (Minimum width (Combined toilet) 5 feet).

3. MINIMUM HEIGHTS

(i) SINGLE STOREY

- (a) *Habitable Rooms.*—Every such room shall have an average height of not less than 8'—6" from floor to the ceiling of the room and a minimum height of not less than 7'—0" from floor of the room to the caves of the roof.
- (b) *Other Rooms.*—The minimum height shall not be less than 7'—0" from the floor of the room to the caves of the roof.

(ii) DOUBLE STOREY

Ground Floor:

- (a) *Habitable Room.*—Every such room shall have an average height of not less than 9'—0" from floor to the ceiling.
- (b) *Other rooms (ground floor).*—The minimum height shall not be less than 7'—0" from the floor of the room to the ceiling.
- (c) *First Floor.—Habitable room.*—Every such room shall have an average height of not less than 8'—6" from floor to ceiling and a minimum height of not less than 7'—0" from floor of the room to the caves of the roof.
- (d) *Other rooms.*—The minimum height shall not be less than 7'—0" from the floor of the room to the caves of the roof.

4. Every living rooms shall be provided with a fire place. No fire place to be used as such shall be constructed unless the floor beneath it and around it for a width of three feet has been rendered fire proof.
5. No building more than two storey shall be erected.
6. For single storey construction the attached units shall be similar.
7. KITCHEN.—Every room used as Kitchen—
 - (i) will be well lit and constant means of ventilation shall be provided through external air;
 - (ii) it will be provided with cooking range of standing or sitting type;
 - (iii) a smoke flue shall be built in accordance with the drawing supplied by the Government;
 - (iv) an impermeable dado 3'—0" high shall be provided;
 - (v) it shall be provided with shelves or cupboard in the wall;
 - (vi) a sink for washing utensils with minimum dimension of 3'—3" will be provided;
 - (vii) the drainage of the kitchen shall be through a proper floor trap connected to the main sewerage.
8. Bath & W.C.—
 - (i) constant means of ventilation shall be provided through external air;
 - (ii) an impermiabale dado 3'—0" high shall be provided;
 - (iii) these will be provided with a drain constructed of impervious material and connected to the main drain;
 - (iv) no person shall dispose of the affluent from a septic tank by surface verification or by sub-soil drainage or into an open unlined cesspool;
 - (v) the tank shall be mosquito proof and the water supply to W.C. shall be indirect and the rest of the connections shall be direct.

PART IV

MINIMUM FRONT, REAR & SIDE OPEN SPACES IN AND RESIDENTIAL BUILDINGS

FRONT

1. No building shall be erected within 10'—0" of the boundary line of the plot. Such air space forming an un-separable part of site.

REAR

2. Every building shall have an open air space in the rear not less than 10'—0" in width. Such air space forming an unseparable part of site.

SIDE

3. Every building shall have open space on one side at least 5'—0" wide. Such air space farming an inseparable part of the site.

PROJECTION

4. No portion of any building shall project beyond the set back line.

VENTILATION OF ROOMS

5. Every room intended to be used as an habitable room shall be provided for the purpose of light and ventilation with windows having the total

area not less than 12½ % of the floor area of the room and should open directly on to a space which is open to the sky or on the verandah opening and should ensure through ventilation to the satisfaction of the Estate Officer.

CHIMNEYS

6. Every kitchen or a cooking place shall be provided with a smoke flue having a minimum area of 40 sq. inches. the flues shall be purged from inside.

STORM WATER DRAINAGE

7. Adequate provision shall be made for the proper drainage of rain water from the building and also surface water from the compound of the building. Parnallas and spouts will not be permitted from the roof. Only cast iron rain water pipes shall be allowed.

DAMP PROOF COURSE

8. All walls internal and external shall be provided with a course of some hard, impermeable material such as cement concrete, slate asphalt, lead or verified brick etc., at the plinth level in order to prevent dampness rising by capillary action.

STAIR CASES

9. Every stair case shall have the following:—

- (i) Clear width of stair shall not be less than 3'—0".
- (ii) No step shall have a rise of more than 0'—7".
- (iii) No tread shall have a width of less than 0'—9".
- (iv) The minimum clear head-room shall not be less than 7'—0" and the stair case shall be adequately lit to the satisfaction of the Estate Officer.

PART V

COMMERCIAL

1—2. The coverage of shops shall be 100% of the plot area. No portion of any shop shall be built project into the verandah.

3. The verandah in front of booths shall be kept clean for pedestrian movements and shall not in any case be used for keeping any article. Any deviation shall be punishable.

4. Any change in the internal planning of the booths or shops shall be got approved by the Estate Officer before it is being constructed.

5. The cooking in the shops shall be done only under the fule as shown in the drawing supplied by the Government. No other type of cooking places shall be allowed.

PART VI

SHOP-CUM-FLATS

(i) *Shop*.—All the shops (booths) shall be constructed strictly according to the drawing obtainable from the Estate Officer on price fixed by the Government.

(ii) *Flats*.—The relevant rules as given for residential buildings shall apply.

(iii) In case of two roomed tenement one room can be 80 sq. feet.

PART VII

GENERAL

NOTICE OF COMPLETION

1. If building is not completed within two years of the date of sanction, the sanction shall be deemed to have lapsed with respect to that portion of building which has not been completed.

2. When the building is completed, the applicant shall give notice of completion of building and for permission to occupy the building in Form 'C' together with a certificate of completion from a qualified and registered Architect in Form 'D'.

3. In case of the applicant using plans provided by the Government Form 'D' shall have to be signed by the Estate Officer.

PERMISSION TO OCCUPY

4. No person shall occupy a building sanctioned under these rules without obtaining permission in Form 'E' appended to these rules.

PENALTIES

5. Any person who shall commit a breach of any of the rules shall be liable on conviction by the Estate Officer to a fine not exceeding Rs. 500 and in case of continuing breach to a fine not exceeding Rs. 100 for every day after the first during which the breach continues.

In case of defaulters the same shall be made good by PWD at the cost of the owners.

6. Any construction not carried out according to the rules, approved plans and drawings shall be dismantled by the Estate Officer without any claim for compensation by the owner.

FORM 'A'

As laid down under rule I part II
(To be filled in by the applicant)

From

.....
.....
.....

To

The Estate Officer,
Urban Estate.

As required by sub-section (i) of bye-laws, I hereby give notice that I intend to erect/re-erect a building at the plot No.....

..... Urban Estate.

I attach—

- (a) the plans required by the bye-laws.
- (b) A specification of the proposed building.

Signature.

Dated.....

REVERSE OF FORM 'A'

(To be filled in by the Estate Officer)

Serial number of application.....

Name of applicant.....

Site of building (No. of Plot)

Date of receipt of application

Signature
Estate Officer.

Remarks:—

FORM 'B'

As laid down under rule I (iii) part II

SPECIFICATIONS

The material to be used in the construction to be clearly specified under the following basis:—

Item	Specification
(a) Foundations.	
(b) Walls.	
(c) Amp-Proof course.	
(d) Floors.	
(e) Roofs.	
(f) Windows and doors and other wood works.	
(g) Steel work.	
(h) Internal finish.	
(i) External finish.	

Signature of the Applicant.

Signature of the Architect.

FORM 'C'

(Notice of completion and permission to occupy under rule 2 part VII)

From

.....
.....
.....

To

.....
.....

Sir,

I/We hereby give notice that the building/part of the building described below and sanctioned with your order No. dated..... has been completed on..... in all respects according to the sanctioned plans and the suggested modification have been carried out.

2. Completion certificate from the Architect who supervised the construction of the building is submitted herewith.

3. Kindly permit me to occupy the building/part of the building as required by the section (2) General of the Rules.

Description of building

Plot No.....Street No.

Signature of owner.

FORM 'D'

Completion certificate by a duly qualified and registered Architect
under rule 2 part VII

I do hereby certify that the following work has been supervised by me and has been completed to my satisfaction in accordance with the sanctioned plan, that the workman ship and the whole of the material used are good and that no provision of the by-laws and no requisition made/condition prescribed or order issued thereunder, has been transgressed in the course of the work.

1. Name of Owner.
2. Plot No.
3. Particulars of work.

Signed.....

(Duly qualified and registered Architect).

FORM 'E'

Permission to occupy for use of the Building under rule 4 part VII

From

The Estate Officer,
Urban Estate.

To

.....

..... Plot No.

Memorandum No.....Dated.....

Whereas.....has given notice of completion
of the building described below, I hereby—

- (i) Grant permission for the occupation and/or use of the said building.
- (ii) Refuse permission for the occupation of the said building for reasons given below:—

Dated.....

Signature.

By order,
H. S. DUBEY,
Secretary.

